

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM ARAUJO,

Plaintiff,

-v -

E. MISHAN & SONS, INC., *et al*,

Defendants.
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USDC SDNY
DOCUMENT
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DATE FILED: 9/8/2020

1:19-cv-5785-GHW

ORDER ADOPTING REPORT
AND RECOMMENDATION

GREGORY H. WOODS, United States District Judge:

On August 7, 2020, Magistrate Judge Netburn issued a Report and Recommendation (“R&R”) recommending that Defendants’ Motion to Dismiss be granted as to Plaintiff’s claims for direct patent infringement and denied as to Plaintiff’s claim for induced infringement. Dkt. No. 61 at 9. Objections to the R&R were due August 21, 2020. *Id.* The Court did not receive any objections by that deadline.

When a party timely objects to a magistrate’s report and recommendation, a district court reviews, *de novo*, “those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). However, a “district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record.” *Braunstein v. Barber*, No. 06-cv-5978 (CS) (GAY), 2009 WL 1542707, at *1 (S.D.N.Y. June 2, 2009).

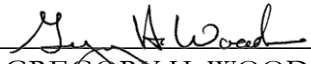
Because the Court did not receive any objections by the stated deadline, the Court reviews the entire R&R for clear error because no objection triggers *de novo* review.

The Court has reviewed the R&R for clear error and finds none. The Court therefore accepts and adopts the Report and Recommendation in its entirety. Accordingly, Defendants' motion to dismiss, Dkt. No. 47, is DENIED as to Plaintiff's claims for direct patent infringement and GRANTED as to Plaintiff's claims for induced infringement.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 47.

SO ORDERED.

Date: September 7, 2020



GREGORY H. WOODS
United States District Judge